

in any manner", and the provision that states that the protective order "will remain in effect permanently, regardless of the outcome of [the] case."

Having considered the City of Houston's Motion for Protective Order, Plaintiff's response, and the two concerns outlined by Plaintiff, it appears that a protective order is warranted in this case to protect against any future disclosure of the type of documents identified by the City of Houston. In addition, it may well be that an appropriate sanction for the future improper disclosure of documents subject to such a protective order would be the disclosing party's inability to use such documents in any manner in this lawsuit, but the parties should not, *a fortiori*, be bound by such a possible sanction. Rather, the protective order should provide a mechanism for bringing any violations to the attention of the Court, and allowing the Court to thereafter determine an appropriate sanction. As for the provision that the protective order be in effect permanently, it realistically cannot be said at this stage of the proceedings whether the protective order should extend beyond the conclusion of this lawsuit. That is an issue which may be raised with the District Court at another time, presumably upon the conclusion of this litigation. With those two limitations on the City of Houston's proposed protective order, it is

ORDERED that Defendant City of Houston's Motion for Entry of Protective Order (Document No. 23) is GRANTED. Within twenty days after the entry of this Order, the parties shall file an agreed protective with terms that are consistent with the findings and conclusions set forth herein.

Signed at Houston, Texas, this 26th day of September, 2002.


FRANCES H. STACY
UNITED STATES MAGISTRATE JUDGE